रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग 2—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 42] नई दिल्ली, सोमवार, अगस्त, 31, 1970/भाद्र, 9, 1892 (शक)
No. 42] NEW DELHI, MONDAY, AUGUST 31, 1970/ BHADARA 9, 1892 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 31st August, 1970:—

BILL No. 91 OF 1970.

*A Bill to prevent insults to national honour.*

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Prevention of Insults to National Honour Act, 1970.

(*2*) It extends to the whole of India.

Insult to Indian National Flag and Constitution of India.

2. Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or the Constitution of India or any part thereof, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

*Explanation 1.*—Comments expressing disapprobation or criticism of the Constitution or of the Indian National Flag or of any measures of the Government with a view to obtain an amendment of the Constitution of India or an alteration of the Indian National Flag by lawful means, without exciting or attempting to excite hatred, contempt or disaffection towards the Government, do not constitute an offence under this section.

*Explanation 2.*—The expression "Indian National Flag" includes any picture, painting, drawing or photograph, or other visible representation of the Indian National Flag, or of any part or parts thereof, made of any substance or represented on any substance.

*Explanation 3.*—The expression "public place" means any place intended for use by, or accessible to, the public and includes any public conveyance.

Prevention of singing of Indian National Anthem, etc.

3. Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

## STATEMENT OF OBJECTS AND REASONS

Cases involving deliberate disrespect to the National Flag, the National Anthem and the Constitution have come to notice in the recent past. Some of these incidents were discussed in both Houses of Parliament and Members expressed great anxiety about the disrespect shown to the national symbols. Government were urged to prevent the recurrence of such incidents. Disrespect to the National Flag, the Constitution or the National Anthem is not punishable under the existing law. Public acts of insult to these symbols of the sovereignty and the integrity of the nation must be prevented. Hence the Bill. The scope of the law is restricted to overt acts of insult to, and attacks on, the national symbols by burning, trampling, defiling or mutilating in public. It is not intended to prohibit honest and *bona fide* criticism of the symbols, and express provision to this effect has been made in the Bill.

NEW DELHI; K. C. PANT.
*The 14th July*, 1970.

BILL NO. 92 OF 1970

*A Bill to amend the Supreme Court Judges (Conditions of Service) Act, 1958.*

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1970.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

41 of 1958.

2. In section 3 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), in sub-section (*1*), for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or".

Amendment of section 5.

3. In section 5 of the principal Act, in sub-section (*3*), for the words "The maximum period of leave which may be granted", the words, brackets, figures and letter "Subject to the provisions of sub-section (*2*) of section 5A, the maximum period of leave which may be granted" shall be substituted.

Insertion of new section 5A.

**4.** After section 5 of the principal Act, the following section shall be inserted, namely:—

Commutation of leave on half allowances into leave on full allowances.

**"5A. (*1*) Notwithstanding anything contained in sub-section (*2*) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his service as a Judge.**

**(*2*) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (*3*) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account.".**

## STATEMENT OF OBJECTS AND REASONS

Under the Supreme Court Judges (Conditions of Service) Act, 1958, when a Judge of the Supreme Court avails of leave on full allowances, he is entitled to full salary (equal to monthly rate of pay) for the first 45 days and leave allowance at the rate of Rs. 2,220 per month for the rest of such leave. The maximum period of leave on full allowances which may be granted at one time is five months. Consequently, if a Judge is forced to take long leave for reasons of ill-health, he has to avail of leave on half allowances during which period he is entitled to an allowance at the rate of Rs. 1,110 per month only. To give some relief in such cases, it is proposed to extend to the Judges of the Supreme Court the facility of commuting leave on half allowances into leave on full allowances on medical certificate up to a maximum period of three months during the entire service as Judge, on the analogy of the provision for "commuted leave" obtaining in the case of Central Government employees.

2. The Bill seeks to amend the Supreme Court Judges (Conditions of Service) Act, 1958 to achieve the above objective.

NEW DELHI; RAM NIWAS MIRDHA.

*The 12th August,* 1970.

## PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 19/3/69-Judl.III(iii), dated the 13th August, 1970 from Shri Ram Niwas Mirdha, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Supreme Court Judges (Conditions of Service) Amendment Bill, 1970, recommends the introduction and consideration of the Bill in the Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

## FINANCIAL MEMORANDUM

Clause 4 of the Bill makes provision enabling a Supreme Court Judge to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum period of three months during the whole period of his service as a Judge.

2. The monthly rate of allowance payable to a Judge while on leave on half allowances is Rs. 1,110. During leave on full allowances a Judge is entitled to draw full salary (equal to monthly rate of pay) for the first 45 days and leave allowance at the rate of Rs. 2,220 per month for the rest of such leave. If commuted leave is taken in spells of less than 45 days, the monthly allowance will be Rs. 5,000 for Chief Justice and Rs. 4,000 for any other Judge. Since only six months of leave on half allowances can be converted into leave on full allowances, the additional expenditure per Judge, other than the Chief Justice, would be Rs. 4,000 minus Rs. 2,220, *i.e.*, Rs. 1,780 for each month of commuted leave or Rs. 5,340 for the entire period of 3 months commuted leave. Assuming that all the 12 Judges of the Supreme Court will avail of commuted leave, the total expenditure will be of the order of Rs. 64,080. The average period of service of a Supreme Court Judge being 8 years, the annual recurring expenditure will be about Rs. 8,000.

3. There will be no non-recurring expenditure.

S. L. SHAKDHER,
*Secretary.*

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1970